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11 Attorneys for Plaintiffs

12 [Additional Counsel Listed on the Following Page]

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 SHANNON McBURNIE and APRIL
19 SPRUELL, individually and on behalf of all
others similarly situated,

20 Plaintiffs,

21 vs.

22 ACCEPTANCE NOW, LLC, a Delaware
23 limited liability company; and DOES 1-50,
24 inclusive,

25 Defendants.
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CASE NO. 3:21-cv-01429-JD

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE DEADLINES IN
AMENDED SCHEDULING ORDER**

Judge: Hon. James Donato
Ctm: 11 (19th Floor)

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14
Attorneys for Defendant
15 RAC Acceptance East, LLC, *erroneously sued as*
ACCEPTANCE NOW, LLC
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1 Plaintiffs Shannon McBurnie and April Spruell (“Plaintiffs”) and defendant RAC
2 Acceptance East, LLC, erroneously sued as Acceptance Now, LLC (“RAC”), by and through their
3 respective counsel, request that the deadlines in the Amended Scheduling Order entered on October
4 2, 2024, be continued for five months. In support of this request, the parties state as follows:

5 **A. Current Scheduling Order**

6 The current scheduling order (Dkt. No. 134), entered three months ago, sets the following
7 dates:

8 Event	9 Deadline
10 Hearing on class certification	TBD as warranted
11 Last day to file dispositive and FRE 702 motions	March 7, 2025
12 Pretrial conference	September 25, 2025, at 1:30 p.m.
13 Jury Trial	October 6, 2025, at 9:00 a.m.

14 **B. Procedural Status**

15 The parties believe there is good cause to modify the current schedule in view of the
16 procedural status of the case, specifically, the need for resolution of several outstanding motions
17 and requests that remain pending before the Court. In particular:

18 Plaintiffs’ Motion for Class Certification has been fully briefed since January 2023
19 (Dkt. Nos. 97, 105, 114), but has not yet been decided. Although proceedings were stayed during
20 RAC’s appeal of the order denying its motion to compel arbitration, the Ninth Circuit’s mandate
21 issued on May 3, 2024 (Dkt. No. 126) and a petition for writ of certiorari was denied on October 7,
22 2024 (Dkt. No. 135).

23 Several discovery disputes have been pending since July 2022 but have not yet been fully
24 briefed or decided. The parties filed six discovery dispute letters in June and July 2022, five by
25 Plaintiffs (Dkt. Nos. 50-51, 54, 56, 62, 63) and one by RAC (Dkt. No. 64). Thereafter, at the Court’s
26 direction, counsel participated in two four-hour meet and confer conferences, which resolved some
27 but not all of the disputes. See Dkt. Nos. 76, 82. In spite of that progress, there are still several
28 disputes that will require resolution by the Court. *See* Dkt. Nos. 50-51, 56, 63, 64, 76, 82.

1 In summary, the parties submit that the current scheduling order should be modified to
2 enable the parties to have the benefit of the Court's rulings on the pending class certification motion
3 and pending discovery disputes well in advance of the deadline to file summary judgment and FRE
4 702 motions.

5 **STIPULATION**

6 NOW, THEREFORE, through their respective counsel, subject to Court approval, the parties
7 stipulate and agree that the deadlines and dates in the Amended Scheduling Order should be
8 modified as follows:

9

Event	Current Deadline	Revised Deadline
Hearing on class certification	TBD as warranted	TBD as warranted
Last day to file dispositive and FRE 702 motions	March 7, 2025	August 11, 2025
Pretrial conference	September 25, 2025, at 1:30 p.m.	February 26, 2026, at 1:30 p.m.
Jury Trial	October 6, 2025, at 9:00 a.m.	March 9, 2026, at 9:00 a.m.

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16 If the Court modifies the Scheduling Order, the parties will propose a briefing schedule and
17 hearing date for any dispositive motions and *Daubert* motions.

18 IT IS SO STIPULATED.

19 DATED: January 3, 2025

DOSTART HANNINK LLP

20
21 /s/ Zach P. Dostart

ZACH P. DOSTART

22 Attorneys for Plaintiffs

23
24 DATED: January 3, 2025

K&L GATES LLP

25
26 /s/ Matthew G. Ball

MATTHEW G. BALL

27 Attorneys for Defendant

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ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from Matthew G. Ball, counsel for defendant RAC Acceptance East, LLC.

DATED: January 3, 2025

DOSTART HANNINK LLP

/s/ Zach P. Dostart

ZACH P. DOSTART

Attorneys for Plaintiffs

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 SHANNON McBURNIE, et al.,

Case No. 3:21-cv-01429-JD

4 Plaintiffs,

**[PROPOSED] AMENDED SCHEDULING
ORDER**

5 vs.

6 ACCEPTANCE NOW, LLC,

7 Defendant.
8

9 The Court sets the following amended case management deadlines pursuant to Rule of Civil
10 Procedure 16 and Civil Local Rule 16-10. The parties are advised to review and comply with the
11 Court's Standing Order for Civil Cases, Standing Order for Discovery in Civil Cases, and Standing
12 Order for Civil Jury Trials.

Event	Deadline
Hearing on class certification	TBD as warranted
Last day to file dispositive and FRE 702 motions	August 11, 2025
Pretrial conference	February 26, 2026, at 1:30 p.m.
Jury Trial	March 9, 2026, at 9:00 a.m.

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18 All dates set by the Court should be regarded as firm. Counsel may not modify these dates
19 by stipulation without leave of court. Requests for continuances are disfavored, and scheduling
20 conflicts that are created subsequent to the date of this order by any party, counsel, or party-
21 controlled expert or witness will not be considered good cause for a continuance. Sanctions may
22 issue for a failure to follow a scheduling or other pretrial order. *See* Fed. R. Civ. P. 16(f)(1)(C).

23 **IT IS SO ORDERED.**

24 Dated:

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26 HON. JAMES DONATO
27 United States District Judge
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At the time of service, I was over 18 years of age and **not a party to this action.** I am employed in the County of San Diego, State of California. My business address is 4225 Executive Square, Suite 600, La Jolla, CA 92037-1484.

STIPULATION AND [PROPOSED] ORDER TO CONTINUE DEADLINES IN AMENDED SCHEDULING ORDER

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Fax: (415) 882-8220

Counsel for Defendant

Counsel for Defendant

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on January 3, 2025, at San Diego, California.

Catherine Klobucar
Catherine S. Klobucar